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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/775,018

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Eric G. Suder

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10/12/2005

Kelly K. Kordzik
Suite 800
100 Congress Avenue
Austin, TX 78701

EXAMINER

NGUYEN, HANH N

ART UNIT

PAPER NUMBER

2668

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,018

Applicant(s)

SUDER ET AL.

Examiner

Hanh Nguyen

Art Unit

2668

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-20, 23-64, 66, 67, 69, 70 and 73-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-20, 23-37, 59-64, 66, 67, 69, 70 and 75-77 is/are allowed.
- 6) ☒ Claim(s) 38-45 and 56-58 is/are rejected.
- 7) ☒ Claim(s) 73 and 74 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

HANH NGUYEN
PRIMARY EXAMINER



Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/1/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed on 4/9/01 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered. The IDS filed on 4/9/01 fails to submit with a 1449 form which lists all the patents.

Withdrawal of Finality

Applicant's request filed on 9/19/05 for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38, 43, 44, 45, 56, are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al.(US Pat.5,751,791) in view of O'Mahony (US Pat. 5,878,120).

Regards to claims 38 and 56, Chen teaches a system comprising: a Hub (Fig. 1a, switch 90), a multimedia server (Fig. 1a, 92), a telephony device (telephone in 124) coupled to the hub (Fig. 1a, 90), and a work station coupled to the hub through the telephony device (Fig. 1a, work station 70c coupled to the hub 90 via telephone). Chen further discloses a data server coupled to the hub (fig.1a, server 92 coupled to switch 90). Chen discloses transferring data from the work station to the telephone, wherein the data sent from the work station is addressed for transmission to the data server (fig. 1a, see col.3, lines 30-55); communicating audio information between the telephone and the multimedia server (see fig. 1a, col.3, lines 30-55).

However, Chen does not disclose sufficiently throttling data sent from the work station to the telephone to increase a rate of the audio information transferred during the communication step. O'Mahony discloses throttling data sent from the work station to the telephone to increase a rate of the audio information transferred (fig.4, a micro controller 202 provided in data terminating equipment DCE (fig. 1a) suspends data at step 418 to transmit voice at step 420; see abstract & col.9, lines 5-20). Therefore, it would have been obvious to one ordinary skilled in the art to implement the microcontroller 202 into the telephone of Chen in order to throttle data transmission to the telephone and increase audio transmission. The implementation reduces the delay occurred in audio transmission when the amount of audio data is low.

In claim 43, Chen does not disclose reducing a future amount of data from being transferred from the work station if the amount of data exceeds a predetermined threshold. The Official Notice is taken that it is a well-known skill in the art such as data flow control to reduce a future amount of data from being transferred from a work station if the amount of data exceeds a predetermined threshold in order to prevent data congestion.

Regarding claims 44 and 45, Chen discloses monitoring an amount of audio information received by the telephone from the multimedia server (fig.9, circuit 936 monitoring Rx voice buffer 932 via signal line 935 to control the data flow, col.14, lines 50-60).

Claims 39-42, are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al.(US Pat.5,751,791) in view of O'Mahony (US Pat. 5,878,120), and further in view of Murphy (Pat. 6,856,613).

In claims 39-42, Chen et al. discloses that the hub (switch 90), multimedia server (server 92), data server (server 92), telephone (telephone in housing 124) and work station (work station 70c) are coupled to each other via a network (communicate via a telecommunication network 88). See col.3, lines 30-40. The communication network 88 can be ATM network comprising ATM path 96 (packet switch network, see col.4, lines 17-25). Chen does not disclose that the network is TCP/IP network and the protocol is IP protocol. Murphy discloses a network 12 (fig.1) comprising VOIP telephones 14a-d coupling via IP network. Therefore, it would have been to one ordinary skilled in the art substitute the IP network into the ATM network 88 of Chen in order to communicate between devices via IP network, ATM network and packet switch network.

Claims 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Pat. 6,876,648 B1) in view of O' Mahony (Pat. 5,878,120).

With regards to claim 57, Lee teaches an IP telephony device (Fig. 3) comprising: an input data port for receiving data (Fig. 3, input/output 14), wherein the data is addressed for transmission to a location other than the IP telephony device (Fig. 3, I/O 14 transmits data externally via hand set 10, col.4, lines 52-60); a speaker (speaker phone 12, fig.3); a microphone (a headset, fig.3); circuitry for communicating information to and from the IP telephony device (Fig.3, combination of mux 16, handset 10 and speakerphone 12); a circuitry for communicating audio information between speaker and the microphone (fig.3, mux 16). Lee does not disclose a circuitry for sufficiently throttling the data so that the communication of the information can be performed real-time. O'Mahony discloses throttling data sent from the work station to the telephone to increase a rate of the audio information transferred (fig.4, a micro controller 202 provided in data terminating equipment DCE (fig.1a) suspends data at step 418 to transmit voice at step 420; see abstract & col.9, lines 5-20). Therefore, it would have been obvious to one ordinary skilled in the art to implement the microcontroller 202 into the telephone of Lee in order to throttle data transmission to the telephone and increase audio transmission. The implementation reduces the delay occurred in audio transmission when the amount of audio data is low.

Claim 58 is rejected because the IP telephony device communicates using TCP/IP protocol (see fig.1).

Allowable Subject Matter

Claims 8-20, 23-37, 46-55 and 59-64, 66, 67, 69, 70 and 73-77 are allowed.

Claims 73, 74 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 38-45, 56-58 have been considered and are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure..

Kim et al. (pat. 6678280 B1) discloses Voice packet transmission controll method in gateway system and device thereof.

Nakajima (Pat. 6839341 B1) discloses Device capable of Accommodating existing voice terminals.

Gallick (Pat. 6,798,768 B1) discloses Multimedia call routing in an IP network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-FRiday from 8:30 to 4:30PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan, can be reached on 571 272 3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

A handwritten signature in black ink, appearing to read 'H Nguyen', with a stylized flourish at the end.

October 11, 2005

HANH NGUYEN
PRIMARY EXAMINER